

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SEAN MCQUIDDY

v.

UNITED STATES OF AMERICA

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NO. 3:09-cv-1215

JUDGE HAYNES

**UNITED STATES' PRELIMINARY RESPONSE TO 2255,
AND REQUEST TO HOLD CASE IN ABEYANCE**

The United States has reviewed the 2255 petition filed by petitioner Sean McQuiddy and opposes any relief. However, it appears the district court currently does not have jurisdiction over this matter since McQuiddy currently has an active appeal in which he questions his sentence. The 2255 pending before this court, which may also require certification as a second or successive petition, also attacks his sentence. Since the sentence is also being attacked in the Sixth Circuit, it appears that jurisdiction will not be returned to this court until the appellate court acts on the pending appeal. Therefore, the United States requests the instant case be either dismissed for lack of jurisdiction, or preferably be held in abeyance until this court regains jurisdiction. The United States requests that it be permitted to file a further response once jurisdiction is returned to this court.

Respectfully submitted,

EDWARD M. YARBROUGH
United States Attorney for the
Middle District of Tennessee

s/ Sunny A.M. Koshy
SUNNY A.M. KOSHY
Assistant United States Attorney
110 9th Avenue, South
Suite A-961
Nashville, Tennessee 37203-3870
Telephone: 615-736-5151

*ORDERED
This request is
GRANTED This action is
ADMINISTERED ACTIVELY CLOSED
pending the completion
of all pending criminal
appeals.
Lill [Signature]
10/20/10*